

1 appear after the charts.

2 JUDGE SIPPEL: Is this the first batch now you're
3 talking about? I've got a public notice that begins,
4 "October 16, 1981."

5 MR. HUTTON: Yes.

6 JUDGE SIPPEL: Or actually, it goes back to 1980.

7 MR. HUTTON: All right.

8 JUDGE SIPPEL: 1979. Is that the right group?

9 MR. HUTTON: Yes.

10 JUDGE SIPPEL: All right.

11 MR. HUTTON: If you look down at page 3, which is
12 the 1981 --

13 JUDGE SIPPEL: Yes.

14 MR. HUTTON: -- there are seven days from 1981.

15 JUDGE SIPPEL: One, two, three, four, five, six
16 seven. I got them.

17 MR. HUTTON: Right. Turn the page onto the next
18 public notice, 1982, and it lists three additional days from
19 1981. So that's 10.

20 And Mr. Bechtel is wrong in claiming that this was
21 not used in Trinity. He is wrong in claiming that there
22 weren't 10 days from 1981 used in that analysis.

23 JUDGE SIPPEL: Where do you -- where did you get
24 the 10 days?

25 MR. HUTTON: Well, the three for 1981 at the top

1 of the 1982 public notice, plus the seven appearing in the
2 1981 public notice.

3 JUDGE SIPPEL: Oh, oh, oh.

4 MR. HUTTON: So I think you are being misled.

5 JUDGE SIPPEL: I mean the three are the carryover.
6 The three are -- the composite week is June 30, 1982. The
7 three 1981 dates that were in the prior page are carryovers?

8 MR. HUTTON: Well, the FCC -- the FCC, in 1981,
9 and in the proceeding years used dates within the entire
10 calendar year to develop its composite week. However, in
11 1982, they changed their methodology and started straddling
12 the years, and that's why you have the anomaly that Mr.
13 Bechtel finds so harmful of 10 days from the calendar year
14 being used in our analysis. It's drawn directly from the
15 fact that the FCC changed its methodology.

16 JUDGE SIPPEL: This all sounds to me that it's a
17 basis of reliability and it's based on interpretations that
18 are conflicting, and it's something that has to be resolved
19 later on, probably refined.

20 I denied the motion to strike, and I'm going to
21 permit you -- are you finished with the witness, Mr.
22 Bechtel?

23 MR. BECHTEL: Have I finished with the witness?

24 JUDGE SIPPEL: Yes.

25 MR. BECHTEL: No.

1 JUDGE SIPPEL: Is this the end of your voir dire?

2 MR. BECHTEL: What?

3 JUDGE SIPPEL: No, what I am trying to -- what I
4 am trying to determine is --

5 MR. BECHTEL: You are trying to cut us off.

6 JUDGE SIPPEL: No, no, I'm not trying to -- let me
7 ask you this.

8 When the witness comes back, if you are finished
9 with voir dire, I can permit Mr. Hutton to try and redirect
10 this witness, and then you can move on to cross. If you are
11 mixing this with cross and voir dire, then I will permit you
12 to continue with what you're doing with this witness and Mr.
13 Hutton will have his turn.

14 MR. BECHTEL: One second.

15 (Pause.)

16 MR. BECHTEL: I just have a motion to strike one
17 thing further on an issue, and I'm done with voir dire. I'm
18 done with voir dire.

19 JUDGE SIPPEL: Thank you. Did you say you had
20 another motion?

21 MR. BECHTEL: I have a -- I want to strike one --
22 one part of the chart.

23 JUDGE SIPPEL: Do you want to make that motion now
24 or you have already made that motion?

25 MR. BECHTEL: No, it's to strike the third quarter

1 of 1994 because it's contaminated by two - three months
2 outside the license term.

3 JUDGE SIPPEL: And where is that chart? Is that
4 page 10?

5 MR. BECHTEL: Appendix B.

6 (Pause.)

7 MR. BECHTEL: Wrong chart. That's the entire
8 universe, so I don't have a motion to strike the one that we
9 are talking about here.

10 JUDGE SIPPEL: You only had that one motion that's
11 been denied?

12 MR. BECHTEL: That is correct.

13 JUDGE SIPPEL: Now, you want to finish voir dire
14 and then I can rule on the admissibility of the exhibit, or
15 at least that portion of the exhibit, A and B, and then you
16 can move into cross-examination. Is that what you want to
17 do?

18 MR. BECHTEL: Yes, sir.

19 JUDGE SIPPEL: All right, then I am going to bring
20 the witness back in, and Mr. Hutton, you can ask some -- you
21 can redirect the witness in the area that's voir dire, but
22 you've got to be cautious and not suggest testimony to the
23 witness.

24 MR. HUTTON: I understand.

25 JUDGE SIPPEL: All right? It's a little tricky.

1 MR. BECHTEL: Can I respond to what he said about
2 these composite weeks?

3 JUDGE SIPPEL: Yes, sir. Yes, I didn't mean to
4 stop, I didn't mean to cut that off.

5 MR. BECHTEL: Well, no. Okay. His first
6 composite week is for an annual programming report, so, of
7 course, that has all the logs in the same year. The second
8 one is for an annual programming report, and that will have
9 logs in the same year. The third one is for assignment
10 application that were filed in a given year, and that has
11 all of the -- all of the dates in the same year. The fourth
12 one is a renewal audit which is presumably the same genre as
13 license renewal applications, and the last item is a TV
14 composite week for -- then likewise, and the last two are
15 the ones that are consistent with what I was talking about,
16 and that is to say they start in the fall of one year and
17 move around in the summer and fall, and move around in the
18 summer.

19 So the problem that yielded 10 dates in the same
20 week is that Mr. Hutton picked the wrong composite week
21 notices to start.

22 JUDGE SIPPEL: Well, I don't think that this
23 witness is going to know anything about that. She should
24 know the dates that she used but that's a different
25 question.

1 All right, that's your point. That's your point.
2 You gentlemen are a lot more versed in Trinity than I am, at
3 least for now.

4 Let's move on to bring the witness back in and
5 then you may redirect. I will rule on the admissibility
6 of -- this would be Exhibit B, right -- not Exhibit B, but
7 what is it called, tab B.

8 MR. HUTTON: Appendix.

9 JUDGE SIPPEL: Appendix B, right.

10 MR. HUTTON: Yes, sir.

11 JUDGE SIPPEL: And then we'll break for lunch.

12 Somebody want to get the witness back in? Thank
13 you.

14 (Witness resumes witness stand.)

15 JUDGE SIPPEL: Okay, Ms. Bradley, you are still
16 under oath. Please be seated.

17 Mr. Bechtel has completed his initial cross-
18 examination.

19 THE WITNESS: Okay.

20 JUDGE SIPPEL: He may be coming back for more
21 examination after we rule on the exhibit; isn't that
22 correct, sir?

23 MR. BECHTEL: That's correct.

24 JUDGE SIPPEL: All right, so you will be asked
25 more questions by Mr. Bechtel. However, at this particular

1 point you are going to be asked some questions on some of
2 the things you testified to by Mr. Hutton.

3 THE WITNESS: Okay.

4 JUDGE SIPPEL: And the sole reason for doing it is
5 that I have to make a determination as to whether or not to
6 permit this Appendix B into evidence. All right, so you're
7 not finished, but this is the procedure that we are going to
8 follow, and while you were out of the courtroom there was
9 discussion back and forth with respect to what's the proper
10 legal standards are as applied to your data as you've
11 testified to, right?

12 THE WITNESS: Mm-hmm.

13 JUDGE SIPPEL: And there was a motion to strike,
14 if you remember, when you left, and I denied that motion.

15 Now, Mr. Hutton is going to have some questions
16 for you. Be very careful, answer only what he asks.

17 THE WITNESS: Okay.

18 JUDGE SIPPEL: And if there is an objection, stop
19 in the middle of what you're saying.

20 THE WITNESS: Okay.

21 JUDGE SIPPEL: I'll want to rule on that.

22 You may proceed, Mr. Hutton.

23 MR. HUTTON: Thank you.

24 //

25 //

1 VOIR DIRE - REDIRECT

2 BY MR. HUTTON:

3 Q Ms. Bradley, you should have a new binder in front
4 of you entitled "Volume 3," and it contains tabs C through
5 L.

6 Do you have that binder?

7 A Yes.

8 Q Okay. And if you turn to tab D, please, and
9 describe for me what appears in tab B.

10 A Okay. It says, "Programs and Issues Report,
11 Fourth Quarter, 1989." And you want the whole thing?

12 Q No, that's fine.

13 A Okay.

14 Q All right. On page 4, the page numbers appear in
15 the bottom corner, bottom right-hand corner. You should
16 ignore the original page numbers for purposes of our
17 questioning.

18 A Okay.

19 Q All right. On page 4, the last paragraph
20 describes Christmas specials that the station aired; is that
21 correct?

22 A That's correct.

23 Q And those specials are described with -- well,
24 those specials are further described on pages 23 through 27;
25 is that correct?

1 JUDGE SIPPEL: Same document.

2 MR. HUTTON: Yes.

3 THE WITNESS: Twenty-three. That's right, those
4 are all programs that ran during the Christmas special time.

5 BY MR. HUTTON:

6 Q Now, does the material included in Appendix D or
7 tab D, does that specify the exact times and dates for the
8 Christmas specials?

9 A I don't see them in here.

10 Q And if someone wanted to determine the times and
11 dates for those Christmas specials and find out how much
12 time was devoted to that programming, how would you do so?

13 A You would have to go to the program log.

14 Q And based on your best recollection, how much
15 programming are we talking about in that regard?

16 A Usually for the Christmas specials, it went from
17 like six or seven o'clock on the 24 -- I'm guess -- six or
18 seven o'clock on the 24th through the next day, through
19 Christmas day, somewhere along that time frame. I'm
20 guessing, but it usually started Christmas Eve and went
21 through the next day.

22 Q And do you know why the times and dates are not
23 noted in the quarterly issues and programs list?

24 A Actually, this one, from what I read in the cover
25 page, was not compiled by me. It was compiled by Ralph

1 Tobias, who was my superior at the time, so I really
2 wouldn't know the answer to that.

3 Q All right, I'd like you to turn to Appendix E
4 which is tab E in your binder, and describe for me what that
5 document is.

6 A Issues and Programs Report, First Quarter, 1990,
7 combined by George Mattmiller.

8 Q And do you see any description of dates and times
9 of the public service programming aired on WTVE for that
10 quarter in that document?

11 A On just the pages you have?

12 Q Yes.

13 A How many pages is that?

14 Q Three.

15 A Okay. No.

16 Q And to your knowledge, is that the complete
17 quarterly issues and programs list for the station for that
18 quarter?

19 A Doesn't -- not to my -- it doesn't look like it.

20 Q Let's turn to Appendix F which is tab F in the
21 binder. And do you see a description of dates and times
22 that the public service programming for WTVE aired during
23 that quarter?

24 A No.

25 Q And if you wanted to tell when the station aired

1 public servicing programming for that quarter, how would you
2 do so?

3 A You would have to go into the logs.

4 (Pause.)

5 JUDGE SIPPEL: Are you going to have much more on
6 this, Mr. Hutton?

7 MR. HUTTON: No. Well, I think I need to review
8 during the lunch break and find out how much more I have on
9 that line.

10 JUDGE SIPPEL: All we're trying to do is just get
11 this in, you know, a posture to rule on a motion to receive
12 it into evidence.

13 MR. HUTTON: I understand.

14 JUDGE SIPPEL: You're not completely cutoff
15 because we're going to back with Mr. Bechtel.

16 MR. HUTTON: I understand.

17 JUDGE SIPPEL: All right.

18 BY MR. HUTTON:

19 Q I'd like you to turn to Binder Volume 2, and in
20 Appendix B, I'd like you to turn to the first program log
21 for August 23, 1989.

22 To your knowledge, is that one of the logs that
23 you reviewed in compiling your chart for Appendix -- your
24 chart for Appendix B?

25 JUDGE SIPPEL: Listen to the question again. I

1 interrupted. I want to be sure she had it when she listened
2 to the question.

3 MR. HUTTON: Okay.

4 BY MR. HUTTON:

5 Q To your knowledge, is that one of the logs that
6 you reviewed in compiling your chart for Appendix B?

7 A Yeah, it looks like the same one. I was reading
8 the writings, and it looks like the same one.

9 Q Okay. I'd like you to turn to the next log which
10 is --

11 JUDGE SIPPEL: Well, before you do that, I've got
12 something that -- I anticipated, am I anticipating
13 completely off but for my copy anyway it shows Wednesday,
14 August 23rd on the first page of the log, and on the second
15 page it says Tuesday, August 22nd.

16 Do you notice that problem?

17 THE WITNESS: What page?

18 MR. HUTTON: Each of us is taking turns finding
19 things.

20 JUDGE SIPPEL: Is it my turn or what?

21 THE WITNESS: You are correct, yeah.

22 JUDGE SIPPEL: Do you see where it says August 22?

23 THE WITNESS: Yeah.

24 MR. HUTTON: It appears to be a similar --

25 JUDGE SIPPEL: Glitch, huh.

1 MR. HUTTON: -- date because the sequence tracks.

2 JUDGE SIPPEL: Okay, we'll give you a chance to
3 bring the right page in.

4 MR. HUTTON: I think --

5 THE WITNESS: That is probably the right page.

6 JUDGE SIPPEL: Oh, you think it is the right page?

7 THE WITNESS: Because each page was set on the
8 machine and it probably just didn't change on the top
9 because they all printed out together.

10 JUDGE SIPPEL: Well, maybe you can clarify that
11 after lunch.

12 MR. HUTTON: Okay.

13 BY MR. HUTTON:

14 Q I'd like you to turn to the next log, which is for
15 Tuesday, September 19, 1989, and tell me whether, to the
16 best of your recollection, that is one of the logs that you
17 reviewed for purposes of compiling the charts in Appendix B?

18 (Pause.)

19 A I believe it was, yes.

20 Q All right. Now, I would like you to refer back to
21 the first page of Appendix B. It indicates a date of
22 Tuesday, September 18, 1989, whereas the log indicates
23 September 19, 1989.

24 Does that appear to be a discrepancy on page 1 or
25 on the log?

1 A Now, what did you say it said again?

2 Q On page 1, it refers to Tuesday, September 18,
3 1989; on the log it's Tuesday, September 19, 1989. And I'd
4 like to know if that appears to be a discrepancy on the log
5 or on page 1?

6 JUDGE SIPPEL: Page 1 of discrepancy -- what is
7 the page number you're referring to?

8 MR. HUTTON: No. Page 1, right behind the tab B.

9 JUDGE SIPPEL: I see it.

10 THE WITNESS: The log is correct.

11 BY MR. HUTTON:

12 Q So page 1 needs to be corrected to September 19th?

13 A Yes.

14 Q All right. Turning next to the first log
15 appearing after the blue separator, it's a log for Sunday,
16 January 7, 1990, and I'd like tell me whether, to the best
17 of your recollection, that is one of the logs that you
18 reviewed for proposes of compiling the chart in Appendix B?

19 A Yes, it looks like it, yes.

20 Q All right. And turning now to the next log which
21 is for Wednesday, February 7, 1990, I would like you tell me
22 if that's one of the -- if that appears to be one of the
23 logs that you reviewed for purposes of compiling the chart?

24 A Yeah, I believe so.

25 JUDGE SIPPEL: We're going into our lunch hour,

1 Mr. Hutton.

2 MR. HUTTON: We could break if you want to.

3 JUDGE SIPPEL: Yes, why don't we do that.

4 MR. HUTTON: Okay.

5 JUDGE SIPPEL: If you want to.

6 MR. HUTTON: Okay.

7 JUDGE SIPPEL: And I owe you five minutes so we
8 will come back at 1:35.

9 THE WITNESS: Can I leave this hear?

10 JUDGE SIPPEL: Leave everything right here.

11 All right, we're in recess until 1:35.

12 (Whereupon, at 12:05 p.m., the hearing in the
13 above-matter was recessed, to resume at 1:35 p.m. this same
14 day, Thursday, January 6, 2000.)

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1 A F T E R N O O N S E S S I O N

2 (1:30 p.m.)

3 JUDGE SIPPET: Please be seated. We are back on
4 the record and the witness -- Ms. Bradley is taking the
5 witness stand. Be seated. You are still under oath. You
6 understand that?

7 THE WITNESS: Yes. Thank you.

8 Whereupon,

9 KIMBERLY G. BRADLEY

10 having previously duly sworn, was recalled as a
11 witness and was examined and testified further as follows:

12 JUDGE SIPPET: Mr. Hutton, you are on redirect on
13 the voir dire.

14 MR. HUTTON: Right.

15 VOIR DIRE - REDIRECT (Resumes)

16 BY MR. HUTTON:

17 Q All right, Ms. Bradley, I'd like to continue with
18 the review of the program logs.

19 A Okay.

20 Q They appear in Appendix B. Do you have that
21 volume in front of you?

22 A Yes, I do.

23 Q Okay. Turn now, please, to the program log for
24 Thursday, April 26, 1990, and please tell me if that log, to
25 the best of your recollection, is the log that you used in

1 compiling the data for the chart?

2 A Yes. That one was, yes.

3 Q All right, I'd like you to turn now to the next
4 log for Monday, May 14, 1990, and please tell me if, to the
5 best of your recollection, that log is a log you used in
6 compiling the charts?

7 A Yes.

8 Q All right. And turn now to the next log for July,
9 Saturday, July 21, 1990, and please tell me if, to the best
10 of your recollection, that is one of the logs that you used
11 for compiling your chart?

12 A Yes, this one is.

13 Q And please turn now to the next log for Friday,
14 September 14, 1990, and please tell me if, to the best of
15 your recollection, that is one of the logs that you used in
16 compiling the data for the charts?

17 A Yes.

18 Q Now, moving past the blue separator, we move into
19 1991. Please review the first log there for Wednesday,
20 January 3 of 1991, and please tell me if, to the best of
21 your recollection, that is one of the logs that you used in
22 compiling the data for the chart?

23 A Yes, that one is.

24 Q All right, and please turn now to the next log for
25 Friday, February 22, 1991, and please tell me, to the best

1 of your recollection, if that is one of the logs that you
2 used for compiling the data for the chart?

3 A Yes.

4 Q Please turn now to the next log for Monday, April
5 8, 1991, and please tell me if, to the best of your
6 recollection, that is one of the logs that was used for
7 compiling the date for the chart?

8 A That one is definitely.

9 Q Please turn now to the log for Saturday, May 18,
10 1991, and please tell me if, to the best of your
11 recollection, that is one of the logs that was used for
12 compiling the data for the chart?

13 A Yes.

14 Q Please turn now to the next log for Tuesday, July
15 2, 1991, and please tell me if, to the best of your
16 recollection, that is one of the logs that was used to
17 compile the data for the chart?

18 A Yes, it was.

19 Q Please turn now to the next log for Sunday, August
20 11, 1991, and please tell me if, to the best of your
21 recollection, that is one of the logs that you used to
22 compile the data for the chart?

23 A Yes.

24 Q Please turn now to the next log for Thursday,
25 September 12, 1991, and tell me if, to the best of your

1 recollection, that was one of the logs that was used to
2 compile the data for the chart?

3 A Yes.

4 Q Okay.

5 JUDGE SIPPEL: Would she be able to -- could you
6 refer her to this exhibit and ask her what logs she did or
7 did not utilize in preparing the chart? Do we have to go
8 through each one of these one by one?

9 MR. HUTTON: We don't need to. If that would
10 help, I could ask Ms. Bradley to go through them --

11 JUDGE SIPPEL: Why doesn't she go through the off
12 the record, and tell us --

13 MR. HUTTON: Okay.

14 JUDGE SIPPEL: -- if this exhibit represents
15 everything that she consulted.

16 Is that okay with you, Mr. Bechtel?

17 MR. BECHTEL: Yes.

18 JUDGE SIPPEL: So we will move it along. Okay?

19 MR. HUTTON: Okay.

20 JUDGE SIPPEL: Let's go off the record for a
21 minute.

22 MR. HUTTON: All right.

23 (Pause off the record.)

24 THE WITNESS: All of them are ones that -- are the
25 ones that we used to compile the information.

1 MR. HUTTON: All right, thank you.

2 BY MR. HUTTON:

3 Q Turning to the first page of Appendix B, which
4 appears right after the B tab.

5 A Mm-hmm.

6 Q Can you explain for me your best understanding as
7 to how the dates indicated under 1989 were selected?

8 A Okay, the information was sent to me with the
9 different program logs, and basically I took the 10 years
10 prior to the time that this is -- the case was being heard.
11 So for example, '81, they used -- I mean, for '91, we used
12 '81, the days that were picked in '91.

13 In '79, there were certain days picked, and they
14 matched them with '89, the two months that were involved in
15 that time period. They went through until the FCC changed
16 its ruling. And in the exhibits that you had sent to me you
17 explained how the different -- I don't have a copy -- of the
18 different rulings had changed; that they took a selection of
19 the years to correspond, and they took a series of years
20 together and how they -- how they corresponded. Basically
21 took that time period and matched them to 10 years to this
22 time frame.

23 Q All right. I would like you to refer to the first
24 FCC public notice that appears after the charts in Appendix
25 B.

1 A That's in here then?

2 Okay.

3 Q All right. And on that public notice do you see
4 the date Wednesday, August 22, 1979?

5 A Yes.

6 Q All right. And how does that relate to Wednesday,
7 August 23, 1989, on page 1 of Appendix B?

8 A Basically, what you did is you took -- you tried
9 to compare the two, the 10 years going forward, you took the
10 date and you found the closest Wednesday to the date that
11 was listed for 1979 of that month and that week.

12 So like for -- as you were saying that Wednesday,
13 so if it was Wednesday, August 22, 1979, I know from going
14 over things, we picked the closest date, which was the 23rd
15 on 1989.

16 Q All right. And do you see the date on the FCC
17 public notice Tuesday, September 18, 1979?

18 A Tuesday, September 18, 1979; correct.

19 Q And how does that relate to the Tuesday, September
20 19th, as corrected, 1989 date that appears on page 1 of
21 Appendix B?

22 A That would be exactly 10 years closest to that
23 date. It's 10 years going back what the FCC had picked as
24 previous case information.

25 Q All right. Now, turning to the public notice

1 dated June 30, 1982, can you explain for me whether or not
2 corresponding dates for 1991 and 1992 were used?

3 A I'm sorry. What page is that on?

4 Q It's in the FCC public notices following the one
5 we were just looking at. On the bottom right-hand corner it
6 indicates page 4.

7 A And you said it's June?

8 Q The date of the public notice is June 30, 1982.
9 Do you see that?

10 A Oh, okay, at the top. Okay, I was looking at the
11 dates there for that.

12 Q Okay, at the top.

13 Can you explain for me how those dates correspond
14 to the dates appearing under 1992 on page 2 of Appendix B?

15 A You said page 2 of Appendix A?

16 Q Appendix B. I'm sorry.

17 A Okay.

18 Q Do you see the date 1992?

19 A Yes. Basically, on page 2, Appendix B, July 14,
20 1992, corresponds with July 12, 1981. That's a Sunday.

21 Q I'm sorry. You said July 14, 1992. Did you mean
22 '91?

23 A I'm in the wrong section. Hold on.

24 Yeah, that's before they changed. So it would be
25 July 2, 1991 corresponds with July 12, 1981.

1 Q No, I don't think we're --

2 A We're not on the right --

3 Q -- on the same page.

4 JUDGE SIPPEL: You're on the same page. I don't
5 think you're in the same box.

6 MR. HUTTON: Yes.

7 BY MR. HUTTON:

8 Q On page 2, I'm looking at the dates under the head
9 "1992."

10 A Right.

11 Q And the first three that appear there are 1991
12 dates, correct?

13 A No.

14 Q No?

15 JUDGE SIPPEL: Could I --

16 MR. HUTTON: Yes, yes, would you --

17 JUDGE SIPPEL: -- just show her?

18 MR. HUTTON: Yes.

19 THE WITNESS: He's talking about here for '92.

20 JUDGE SIPPEL: Her copies are '92.

21 MR. HUTTON: I think he has an uncorrected
22 version. Let me --

23 JUDGE SIPPEL: Let's give her a corrected version.

24 MR. HUTTON: Okay.

25 JUDGE SIPPEL: I've got notes on mine.

1 MR. HUTTON: Okay.

2 THE WITNESS: I thought I was hallucinating.

3 JUDGE SIPPEL: That's all right.

4 MR. HUTTON: May I approach the witness?

5 JUDGE SIPPEL: Yes, you may. You certainly can.

6 BY MR. HUTTON:

7 Q Okay, looking at the correct version now, do you
8 see the dates appearing under heading "1992" on page 2 of
9 Appendix B?

10 A Yes.

11 Q And they start with three dates in 1991, correct?

12 A Mm-hmm.

13 Q All right. And does that correspond to the FCC's
14 public notice dated June 30, 1982?

15 A Yes. '91 and '91, and then '92s.

16 Q All right. So what's the relationship between
17 July 14, 1991 and July 12, 1981?

18 A The closest date within that year and it's a
19 Sunday.

20 Q Okay. Ms. Bradley, I would like you to review
21 the exhibits, Volume 6, tab T; it's Appendix T to your
22 testimony.

23 And please tell me what that appendix consists of.

24 A That's the Issues and Programs Report, Fourth
25 Quarter, 1993.

1 Q All right. Turning to the pages after the blue
2 separator, the first blue separator in that quarter --

3 A Mm-hmm.

4 Q -- starting with page 37, can you tell me if that
5 was a computer-generated affidavit or whether that was
6 handtyped?

7 A This was a handtyped one.

8 Q And is that generally true of the affidavits for
9 this quarter?

10 A Yes. As well handtyped in this quarter here.

11 Q Okay. Now I'd like you to refer to Volume 7 of
12 our hearing exhibits, Appendix U, and please tell me what
13 that appendix consists of?

14 A It says "Issues and Programs Report, First
15 Quarter, 1994."

16 Q All right. Turning to the affidavits appearing
17 after the first blue separator, can you tell me if those
18 affidavits appear to be computer-generated or handtyped?

19 A These appear to be computer-generated.

20 Q All right.

21 MR. SHOOK: Just so we are clear, that's page 40
22 of the attachment, right?

23 MR. HUTTON: Page 40 of that appendix, yes;
24 starting at page 40.

25 //

1 BY MR. HUTTON:

2 Q And does that refresh your recollection as to when
3 the station began using computer-generator affidavits for
4 its quarterly issues and programs list?

5 A Yeah, definitely.

6 Q What would the time period be?

7 A It's looking about '94, from the logs I have
8 looked at, the ones in the previous file to this one, and
9 it's looking at 1994 as probably the beginning of it.

10 MR. HUTTON: All right, I have no further
11 questions.

12 JUDGE SIPPEL: Okay. You know, I kind of missed
13 Mr. Shook. We're still on voir dire. Did you want to
14 participate at this point or do you want to wait until the
15 cross starts?

16 MR. SHOOK: No, sir, I'm perfectly content to
17 wait.

18 JUDGE SIPPEL: Are you prepared now to move this
19 exhibit in?

20 MR. HUTTON: Yes, I'd like to move --

21 MR. BECHTEL: Do I get recross?

22 JUDGE SIPPEL: On voir dire? Do you want recross?

23 MR. BECHTEL: I'm asking for it. Just one or two
24 questions.

25 JUDGE SIPPEL: All right.

1 MR. BECHTEL: It just came up.

2 JUDGE SIPPEL: All right.

3 VOIR DIRE - RECROSS

4 BY MR. BECHTEL:

5 Q Before you went to the computer operation the
6 first of 1994, you referred to listings of programming that
7 were typed rather than computer-generated in the quarterly
8 reports.

9 A Mm-hmm.

10 Q Now, whether computer-generated or typed, if there
11 is a listing in the quarterly report, it's going to appear
12 in Ms. Gilmore's work, isn't it?

13 A If she's gone through the logs, yes, because since
14 it is handtyped she goes through the logs.

15 Q You didn't answer my question.

16 A Oh, I thought I was. I'm sorry.

17 Q She doesn't go to the log. She goes to the
18 quarterly report. You just told me that for some period of
19 time before the first of 1994 --

20 A Mm-hmm.

21 Q -- the listings of programs were typed and put in
22 the quarterly report?

23 A Right. There could be some missed, yes.

24 Q So what I am saying is then that whether they are
25 typed in the quarterly reports or whether they are computer-

1 generated in the quarterly reports --

2 A Mm-hmm.

3 Q -- they would be within the base that she referred
4 to prepare her report, would they not?

5 A To prepare her reports, yes. I mean, no, no.
6 Wait a minute.

7 What are you asking? Okay, in the quarterly
8 report, it's easy for some of the affidavits to be missed.
9 Is that what you're asking?

10 In the program logs, it tells it exactly as it is
11 because that's the official document.

12 MR. BECHTEL: I move to strike that. That was
13 nonresponsive.

14 JUDGE SIPPEL: Well, it's not responsive but I'm
15 going to leave it. I don't see how can you -- go ahead.

16 MR. BECHTEL: All right.

17 JUDGE SIPPEL: Go ahead. It's your witness.

18 BY MR. BECHTEL:

19 Q Now, you were asked about Mr. Tobias -- you were
20 asked about -- I'm trying to get at it a different way.

21 You were asked about a quarterly report back in
22 1989 that was prepared by Mr. Tobias, and you indicated that
23 he hadn't listed programs --

24 A Mm-hmm.

25 Q -- in that report.

1 A Right.

2 Q And then you were asked about another quarterly
3 report in that time frame.

4 A Mm-hmm.

5 Q And still a third one in that time frame, being
6 the second quarter of 1990, when you had -- when the
7 programs were not included in the quarterly report.

8 A Right.

9 Q So now if they are not in the quarterly reports
10 and if Ms. Gilmore -- Ms. Gilmore's database was the
11 quarterly reports, they are not going to be reflected in her
12 chart; correct?

13 A That's correct.

14 Q All right. Mr. Hutton didn't take you any further
15 than that in that line of questioning.

16 Our review of the quarterly reports from the
17 second quarter of 1990 till the fourth quarter of 1992
18 indicates to us that that condition existed for that period
19 of time; that is to say, if you went to the quarterly
20 report, you're not going to see lists of programs.

21 A Okay.

22 Q Now, then in the fourth quarter of 1992, list
23 programs, typed obviously, were starting to appear in the
24 quarterly reports.

25 A Okay.

1 Q Now, my question I'm getting to is that from the
2 time programs were typed up or computer generated or
3 whatever and we can look at these quarterly reports and
4 verify which quarters there were, from that time on the
5 database for Ms. Gilmore includes programs, but preceding
6 that time her database did not include programs.

7 And my question to you is, is that accurate?

8 MR. HUTTON: I'm sorry. I didn't hear the
9 question.

10 JUDGE SIPPEL: Can you repeat the last thing you
11 said?

12 MR. BECHTEL: Sure. I'll state it better.

13 BY MR. BECHTEL:

14 Q For those quarters when either by typing or by
15 computer there is generated a list of programs, those
16 programs would be in the database that Ms. Gilmore worked
17 from. For those quarters that neither the typewriter nor
18 the computer generated a list of programs, the programs will
19 not be in the database that was utilized by Ms. Gilmore; is
20 that not true?

21 A Okay. I guess the problem I'm having is I
22 don't --

23 JUDGE SIPPEL: You do not understand the question.
24 Why are you having difficulty answering?

25 THE WITNESS: I'm having difficulty answering it

1 because if she got it from the program logs, then the
2 information that she got from the program logs is where she
3 got the information. You said she got it from the
4 preliminary reports, then she got it from the preliminary
5 report. It didn't make a difference if it was typed or
6 computer-generated. It was whatever was entered into the
7 public file at that time period.

8 I guess that's where I'm -- I don't understand
9 what you're saying with the computer-generated or the
10 handwritten. Basically, if she got it from the public file,
11 what she got from the public file was what was in there and
12 that's the information she got.

13 MR. BECHTEL: Okay, so I think you did answer my
14 question, and it was my question that was confusing and your
15 answer was very, very clear.

16 JUDGE SIPPEL: Did you want to ask anything more
17 along the lines of these couple of programs?

18 MR. BECHTEL: No.

19 MR. HUTTON: No.

20 JUDGE SIPPEL: Is there any objection to
21 receiving, this would be Attachment B or Appendix B to
22 Exhibit 8 at this time?

23 MR. BECHTEL: Other than the motion that you
24 dismissed, you denied, no.

25 JUDGE SIPPEL: No objection from the Bureau,

1 right?

2 JUDGE SIPPEL: Appendix B, is it called
3 Appendices; is that right?

4 MR. HUTTON: Yes.

5 JUDGE SIPPEL: Appendix B to Exhibit 8, which has
6 been marked yesterday, is hereby received into evidence.

7 (The document referred to,
8 previously identified as
9 Reading Appendix B of Exhibit
10 8, is received in evidence.)

11 JUDGE SIPPEL: Now, we now move into cross-
12 examination. And Mr. Shook, you want to participate in
13 this?

14 MR. SHOOK: Yes, sir.

15 JUDGE SIPPEL: Okay.

16 MR. BECHTEL: If you wish someone to start, I
17 would appreciate to have him go forward.

18 MR. SHOOK: No one minds?

19 (Laughter.)

20 JUDGE SIPPEL: Your witness, Mr. Shook.

21 CROSS-EXAMINATION

22 BY MR. SHOOK:

23 Q Ms. Bradley, my name is James Shook. I'm with the
24 Enforcement Bureau of the Commission. I have some questions
25 for you.

1 A Okay.

2 Q Do you have any knowledge about Reading
3 Broadcasting Inc's efforts to ascertain the needs problems
4 and interests of Reading and the surrounding area during the
5 1989 to 1994 license term of WTVE(TV)?

6 A Mm-hmm.

7 Q Is that a yes?

8 JUDGE SIPPEL: You have to answer yes or no.

9 THE WITNESS: Yes. That's an answer yes.

10 BY MR. SHOOK:

11 Q Could you please describe what it is that you know
12 about those efforts?

13 A There was a whole series of efforts, probably
14 beginning around 1990, '91. What we did is we made out a
15 questionnaire and we went around to several business
16 leaders, several schools, and we were asking them what they
17 thought were the main issues in the -- you know, in the
18 community.

19 We also went to school groups and talked about the
20 individual students, so we went to like all the different
21 people. We went to some government officials. We went to
22 different corporations. We went anywhere, basically out of
23 the Blue Book and the phone book, we went to every single
24 organization that was in the Blue Book, and either faxed
25 them, mailed them and then talked to them on the phone to go

1 over all the information with them. And then we came up
2 with different answers -- you know, we basically ascertained
3 what they thought were the main problems in the community.

4 Q Now, you indicated that took place beginning in
5 1990 or 1991?

6 A Yes. Before that, in our ascertainment file you
7 can find out that we also were cutting out a lot of
8 newspaper articles from the Reading Eagle, a lot of
9 different articles we got from a lot of different groups,
10 and what we would do is compile all that. A lot of them
11 have notes or underlined or things like that, and try to
12 come up with stories and contact names and that kind of
13 thing.

14 We did whatever we could to try to get the
15 community to respond to try to get as much information as we
16 could to come up with programs.

17 Q Now, could you describe the process by which
18 Reading Broadcasting, Inc. determined which issues were the
19 most significant?

20 A For the ones that we had information filled out,
21 that was pretty easy. We would go find out what --
22 especially with the students, the majority of them, what the
23 majority -- what the students said were the main problems in
24 their area, so we could come up with programs like that.

25 As far as in the community, a lot of times we